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1 Lucio Celli
2 89 Widmer Road
Wappingers Falls, New York 12590
718-547-9675

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4 UNITED STATES COURT FOR THE
5 SOUTHERN DISTRICT OF NEW YORK

6 LUCIO CELLI,

7 Plaintiff,

8 vs.

9 New York Department of Education, et al.,
10 Defendants.

Case No.: 21-cv-10455
**Order to Show Cause/temporary
Restraining Order**

11
12 Upon the affidavit(s) of Lucio Celli, sworn to on the December _____, 2021, and upon the
13 copy of the complaint hereto attached it is ORDERED, that before this Court, that the
14 above named defendant(s) show before this court, at Room _____, United States
15 Courthouse, _____, ¹on _____, 2021/2022 at
16 _____ O'clock, or as soon thereafter as counsel and/or I may be heard, why an order
17 should be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure
18
19
20
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22
23

24 _____
25 ¹ Either at 500 Pearl St, New York, NY 10007 or 40 Foley Square, New York, NY 10007 or 300 Quarropas Street
White Plains, NY 10601-4150

1 at o'clock in the noon thereof, or as soon thereafter as counsel may be heard, why an
2 order should be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure:
3

4 **Request:** I want the DoE to not hold a probable cause hearing until this court grants or
5 denies the injunction for ordering witnesses to appear at my 3020-a and probable cause is
6 part of 3020-a process. As I would need the US Marshalls, Judge Cogan, Judge Brodie,
7 AUSA Brady, Magistrate Scanlon, Federal Defenders (Ms. Olvera, Ms. Gerlant, and Ms.
8 von Dormum) and Judge Katzman² and it is further ORDERED at a copy of this order,
9 together with the papers upon which it is granted, be personally served upon the
10 defendant(s) or his (their) attorney on or before _____, 2021 or
11

12 2022, _____ (time) and that such service be deemed good and sufficient.
13

14
15 Place: _____, New York
16

17 (Date) _____, 202_____
18

19 (Return Date) _____, 202_____
20

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22
23 Chief Judge Swain
24 United States District Judge
25
26
27
28

² He cannot appear RIP even if the court grants my petition
TO SHOW CAUSE/TEMPORARY RETRAINING ORDER- 2

UNITED STATES COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

LUCIO CELLI,

Plaintiff,

VS.

New York Department of Education, et al.,
Defendants.

Case No.: 21-cv-10455
**Show Cause for Preliminary Injunction and
Temporarily Order**

New York Department of Education, et al.,
Defendants.

Lucio Celli being duly sworn, deposes and says (or: makes the following affirmation under the penalties of perjury):

I, Lucio Celli, am plaintiff in the above-entitled action, and respectfully move this Court to issue an order enjoining defendants New York City et al. from/to

Request: I want the DoE to not hold a probable cause hearing until this court grants or denies the injunction for ordering witnesses to appear at my 3020-a and probable cause, as the probable cause is part of 3020-a process. As I would need the US Marshalls, Judge Cogan, Judge Brodie, AUSA Brady, Magistrate Scanlon, Federal Defenders (Ms. Olvera, Ms. Gerlant, and Ms. von Dormum) and Judge Katzman³ until a final disposition on the merits of the above-entitled action is completed. Also, I want the proceeding to be streamed live. I would need Judge Engelmayer and Mr. Silverman to appear because they denied me my intent and a fair trial. I would like my probable cause hearing to be live

³ He cannot appear RIP even if the court grants my petition TO SHOW CAUSE/TEMPORARY RETRAINING ORDER- 3

1 streamed to show how I was denied a fair trial because I have AUSAs saying that EDNY
2 denied me that constitutional right.
3

4 I am proceeding by order to show cause rather than by notice of motion because due to
5 terms of probation, I must have my lawyer review the papers, so the issue is timing.

6 I have made the following attempts to contact my opponents⁴ and informed them that I
7 am seeking a temporary restraining order: mail, certified return receipt, and I have a pending/had
grievance conference on January 3, 2022.

8 Unless the preliminary injunction and temporary restraining order are issued I will suffer
9 immediate and irreparable injury as shown by the following facts: 1) obtain witnesses in my own
10 defense, as I was denied a probable hearing in federal court, 2) the 3020-a process follow the
process of the criminal proceedings (if charges are based on criminal conviction or charges, and
11 Officer Greene has my iPad that I have the NYS law where it says, from the highest court, the
3020-a process must follow said procedures of the criminal court); 3) besides being without pay,
12 I will be without health benefits and I am HIV positive with other medical issues too; 4)
therefore, the harm is more to me than the defendants because I will be without witnesses and
13 without health benefits for 4 months; and 5) I will most likely win the injunction because I was
denied a fair trial in court and I have audio recordings of Judge Engelmayer intimidating me, like
14 "you will not receive justice here" with the fact that Mr. Silverman told me that he did not do his
15 job because of Judge Cogan—over a series of audio recordings.

16 (6) --Lastly, I was illegally detained, and the DOE conspired with the Judge Cogan, as
they knew BEFORE US Marshalls of my arrest⁵ and denied me retro money because of what
happened at the probable cause hearing, but NYC Administrative Law forces the DOE to pay—
as I have the Labor Relation for the City saying so, Mr. Becker, and Mr. Slinger of Strook

19 As can be seen from the foregoing, I have no adequate remedy at law and entitled to a
20 temporary restraining order and a preliminary injunction.

21 WHWREFORE, I respectfully request that the Court issue the temporary restraining
order and preliminary injunction described above, as well as such other and further relief as may
be just and proper.



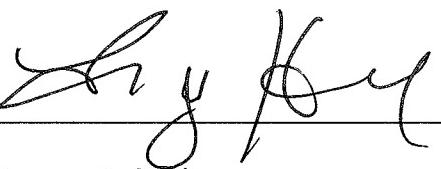
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Lucio Celli

⁴ Sen. Schumer and Ms. Kopplin have no say in holding the probable cause hearing

⁵ As mentioned in the complaint, my health benefits were terminated 5 days prior to the US Marshalls filing an
arrest warrant AND the DOE wrote that they terminated my health benefits because I was arrested
TO SHOW CAUSE/TEMPORARY RETRAINING ORDER- 4

1
2 Sworn to before me this
3

4 30th day of December 2021.
5
6

7 
8 Notary Public
9

10
11 LEOPOLDO J HERNANDEZ
12 Notary Public - State of New York
13 No. 01HE6379226
14 Qualified in Orange County
15 My Commission Expires Aug 13, 2022

16 Or
17

18 I declare under the penalty of perjury that the foregoing
19 is true and correct and made pursuant to 28 USC § 1746
20

21 Executed on LC 12/24/2021
22

23 12/30/2021
24

25 
26

27 Lucio Celli
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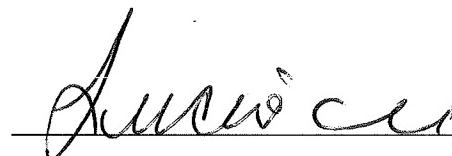
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5 Facts:

- 6 1. I informed the NYCDOE's panel that I would appear in front of them and tell the world
7 about what they did to me and what they did to a child to spite me by ignoring my audio
8 recordings of an AP smoking weed with a child and getting him a motel room New
9 Rochelle
10 2. On or around 11/28/2017, I appeared in front of NYCDOE's PEP panel to speak about
11 they (DOE) with the UFT wanted to expose my rape—Please Take Notice, this is public
12 record, as are the emails sent to PEP
13 3. I told them shame works both ways prior to appearing at the hearing—well, I used a
14 different phrase, but I will keep it clean for Your Honor.
15 4. I was told by an older African American man that the PEP knew the reason that why I
16 behaved the way that I do, which was the comment to expose my rape. The gentleman
17 used the word "intent" and told me to go home as he guided me out of the auditorium.
18 a. 18 USC §875 has two elements
19 i. **Actus reus**: sending the communication
20 ii. **Mens rea**: the intent
21 iii. The DOE is conflating NYS's law of sending a threatening communication with
22 the Federal law, as NYS's law only requires the prosecution to "PROVE"
23 whether the communication was sent or not because NO intent is needed to be
24 proven in NYS, but I was not in state court, as I was in federal court.
25 iv. DOE legal likes to work outside the law, like tell schools to write IEP based on
26 budget vs. the needs of the child—which could be intervention by the DOJ or
27 criminal, but they would need a closer look at the documents with the audio
28 recording and this is the reason that I need the AUSA present, and my hearing
 streamed live
 v. The highest court in NYS states that the law that the person is charged with is
 what the district must litigate
b. The DOE knows my intent
c. My intent appears under seal and the DOE received a copy prior to me filing this
cause of action
d. The probable cause would be brought in bad faith, like denying me retro money
because the DOE will ignore the law and legal standard
e. Judge Engelmayer, Judge Donnelly, my lawyers, and the AUSAs took my free will
away and dictated what my intent was going to be and I need wrote a due process
violation (under seal, but the DOE has it) because, even the AUSAs outside the 2d.
Cir., understood how could anyone tell me my intent and it was a crime to deprive
me of one
f. The PEP will validate what my intent was and still is because I was told on or
around 11/28/17, another reason for streaming it live, and to show how I did not

1 receive a fair trial by Sen. Schumer judges because they helped his sister-like Randi
2 Weingarten (public video of the senator saying this)

- 3 5. The PEP panel muted the portion of what I had to say about the AP because they messed
4 up and cover up their blatant misconduct.
- 5 6. The arbitrator will be biased because he or she wants to keep their job, please refer to the
6 complaint
- 7 7. The PEP panel represent the mayor and each borough president
- 8 8. Randi Weingarten, Carmen Farina, and the panel sent NYPD to threaten me with
9 physical force and denial of my HIV medication, as this was to shut me up
- 7 9. A probable cause hearing would be brought in bad faith because the DOE knows of my
7 intent and conspired with Judge Cogan to deprive me of my retro money via UFT's
7 General Counsel Ms. Norton
- 8 a. The city has investigated this type of conduct with union via their conflict-of-interest
9 board—I have seen similar cases but not exact one.
- 10 10. The vehicle infraction does not warrant a probable cause hearing, but let's assume that it
11 did
- 11 a. The DOE does not have my test result, as I told Ms. Ramos
- 12 b. The DOE does not have my audio recording of the cop, as I told Ms. Ramos
- 12 c. In this case, the DOE does not have the facts and I need to present them
- 13 d. I even told Ms. Ramos, audio recorded, that these facts will be dealt with at the
13 3020-a hearing

14
15 I swear the above facts are true under the penalty of perjury and this is being made
16 pursuant to 28 USC § 1746 because most of it is part of public record, if not all.

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21 Lucio Celli
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21 12/29/2021
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FROM: Lucio Celi
89 Widmer St
Wappinger Falls
NY, 10007

SM P3
NY

TO:
SDNY Courthouse
Pro Se Office
500 Pearl St
NY, NY 10007